IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 524 OF 2005

IN

WRIT PETITION NO. 215 OF 2003

M/S SEAGULL THREADS (INDIA), LTD., ...Applicants

Versus

THE UNION OF INDIA AND ORS., ...Respondents

Shri. Sudin M. S. Usgaonkar, Advocate for the applicant.

Mr. J. S. Vaz, Central Govt. Standing Counsel for the respondents.

Coram:- S.S. PARKAR, J.

Date:- 11th August, 2005

P.C.

Perused the application and reply filed by the Joint Commissioner dated 8.8.2005. There is no objection for refund of Rs.2,87,235/- to the applicant. Since the amount of duty is disputed, the sum of Rs. 7,12,765/- cannot be allowed to be withdrawn by the respondents pending the adjudication of the claim of the applicant before the CESTAT.

In the circumstances, the sum of Rs.2,87,235/- shall be refunded to the applicant and sum of Rs.7,12,765/- shall be invested in a nationalised Bank initially for a period of one year, to be renewed from time to time. The application is disposed of accordingly.

S.S. PARKAR, J.